

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 23-cr-334 (MJD/TNL)

Plaintiff,

v.

ORDER

Willie Junior Cage, Sr.,

Defendant.

This matter comes before the Court on Defendant Willie Junior Cage, Sr.’s Motion to Exclude Time Under the Speedy Trial Act, ECF No. 28. Defendant also filed a Statement of Facts in Support of Exclusion of Time Under the Speedy Trial Act (“Statement of Facts”), ECF No. 29.

Defendant requests a 30-day extension of all deadlines in the Court’s Amended Arraignment Order, ECF No. 26. In his Statement of Facts, Defendant explains that he is seeking an extension of all the deadlines in the Court’s Amended Arraignment Order because on December 1, 2023, the Government informed Defendant that there is outstanding discovery that the Government needs more time to gather. ECF No. 29 at 2. The Statement of Facts also provides that the Government supports this request. *Id.* at 3. Further, Defendant requests that the time between now and January 15, 2024, be excluded from computation under the Speedy Trial Act. ECF No. 28.

Pursuant to 18 U.S.C. § 3161(h), the Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy

trial and such continuance is necessary to provide Defendant and his counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources. While Defendant requests that the period from the date of this Order up through January 15, 2024 (the day before the trial date set in the Court's Amended Arraignment Order) be excluded from the Speedy Trial Act, Defendant is ultimately seeking an extension of the time to file motions. *See* 18 U.S.C. § 3161(h)(7)(A). Accordingly, under the circumstances, the Court finds it appropriate to exclude time up to the new motions filing deadline, namely, January 11, 2024. Therefore, Defendant's motion is granted in part and denied in part.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion to Exclude Time Under the Speedy Trial Act, ECF No. 28, is **GRANTED IN PART** and **DENIED IN PART**.
2. The period of time from **the date of this Order through January 11, 2024**, shall be excluded from Speedy Trial Act computations in this case.
3. The Government must make all disclosures required by Federal Rule of Criminal Procedure 16(a) by **December 28, 2023**. D. Minn. LR 12.1(a)(1). In order to avoid the need for a recess of the motions hearing, the Government is requested to make, by **December 28, 2023**, all disclosures which will be required by Fed. R. Crim. P. 26.2 and 12(h).
4. Defendant must make all disclosures required by Federal Rule of Criminal Procedure 16(b) by **January 4, 2024**. D. Minn. LR 12.1(a)(2).

5. The parties must disclose the identity of any expert witness and make all expert disclosures required by Federal Rule of Criminal Procedure 16 no later than 28 days before trial. The parties must disclose the identity of any expert who will testify in rebuttal of an expert witness and make all disclosures as to such expert required by Federal Rule of Criminal Procedure 16 no later than 14 days before trial.

6. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **January 11, 2024**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Tony N. Leung.

7. **Counsel shall electronically file a letter on or before January 11, 2024, if no motions will be filed and there is no need for a hearing.**

8. All responses to motions shall be filed by **January 26, 2024**. D. Minn. LR 12.1(c)(2).

9. Any Notice of Intent to Call Witnesses shall be filed by **January 26, 2024**. D. Minn. LR 12.1(c)(3)(A).

10. Any Responsive Notice of Intent to Call Witnesses shall be filed by **February 1, 2024**. D. Minn. LR 12.1(c)(3)(B).

11. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or

response pleadings.

12. If required and subject to further order of the Court, the motions hearing shall be heard before Magistrate Judge Tony N. Leung on **February 2, 2024, at 10:00 a.m.**, in **Courtroom 9W**, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota 55415. D. Minn. LR 12.1(d).

13. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT, the following trial and trial-related dates are:**

All voir dire questions and jury instructions must be submitted to District Judge Michael J. Davis on or before *a date to be determined*.

This case must commence trial on *a date to be determined*, before District Judge Davis in Courtroom 13E, **Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, MINNEAPOLIS, Minnesota**.

b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Davis to confirm the new trial date.**

Dated: December 6, 2023

s/ Tony N. Leung

Tony N. Leung
United States Magistrate Judge
District of Minnesota

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